

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 23, 2005

D043072 People v. Hutto

The petition for rehearing is denied.

D046273 In re Hunter on Habeas Corpus

The petition is denied.

D046233 In re Martin on Habeas Corpus

The petition is denied.

D046157 Hernandez v. Workers' Compensation Appeals Board/San Diego Unified School District

The petition is denied.

D046270 Milne & Company Insurance, Inc. v. The Superior Court of San Diego County/Evanston Insurance Company

The petition is denied.

D046446 People v. Rhodes

The notice of appeal is premature. The appeal is dismissed without prejudice to refiling a notice of appeal after an order or judgment has been entered.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 24, 2005

D044201 People v. Dennis

The judgment is affirmed. Huffman, J.; We Concur: McConnell, P.J., McDonald, J.

D044361 Rogers et al. v. United Services Automobile Association

The judgment is reversed to the extent it omitted the award of \$1,750,000 in punitive damages to plaintiffs; in all other respects, the judgment is affirmed. The matter is remanded with directions that the trial court vacate its March 19, 2004 judgment and enter a new judgment including that award of punitive damages and for an award of plaintiffs' attorney fees incurred on appeal in accordance with *Brandt*. Plaintiffs shall also recover their costs on appeal. McDonald, J.; We Concur: Haller, Acting P.J., McIntyre, J.

D044293 People v. Castillo et al.

The orders denying the defendants' suppression motions are affirmed. McIntyre, J.; We Concur: Huffman, Acting P.J., Aaron, J.

D044028 County of San Diego v. Shea/Johnson et al.

The order denying the Johnsons' motion to intervene and to vacate the judgment is affirmed. Shea is entitled to his costs on appeal. McIntyre, J.; We Concur: McConnell, P.J., Benke, J.

D045608 In re Donovan L. et al., Juveniles

The judgment is affirmed. Haller, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

D045257 Adoption of Raychel S.

The order is affirmed. McDonald, J.; We Concur: Nares, Acting P.J., Haller, J.

D044847 Adoption of Dylan M.

D045467 Adoption of Dylan M.

(Consolidated cases) The petition for rehearing is denied.

D046289 In re Alvarez on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 25, 2005

D044294 Woodridge Escondido Property Owners Association v. Nielsen

We affirmed the judgment and the attorney fees order. The association shall recover its costs and attorney fees on appeal. The cause is remanded to the trial court for a determination of the amount of reasonable attorney fees and costs on appeal the association shall recover from Nielsen under the provisions of article X, section 9, of the CC&R's. Nares, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

D044910 Brown v. Aguilar

The judgment is affirmed. Aguilar is entitled to costs on appeal. McDonald, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

D042426 US Ecology, Inc. v. State of California et al.

The judgment is affirmed. CERTIFIED FOR PUBLICATION. Nares, J.; We Concur: McConnell, P.J., Haller, J.

D044674 In re Carl R., a Juvenile

It is ordered that the opinion filed April 28, 2005, and reported in the Official Reports (128 Cal.App.4th 1051), be modified. There is no change in judgment. The petition for rehearing is denied. CERTIFIED FOR PUBLICATION.

D044861 McCullough v. Ralph Wallace Johns as Trustee etc. et al.

The judgment is affirmed. Nares, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

D044442 In re Marriage of McClellan

The order is affirmed. Irion, J.; We Concur: O'Rourke, Acting P.J., Aaron, J.

D044761 People v. Lowe

The judgment is affirmed. Aaron, J.; We Concur: McConnell, P.J., Nares, J.

D046340 Stoia et al. v. Superior Court of San Diego County/Louis Beacham Construction Inc., et al.

The petition is denied.

D042164 Graham v. City of San Diego et al.

The February 10, 2003 judgment granting a writ of mandate and the peremptory writ of mandate against the City is reversed. The trial court is directed to enter a new judgment denying Graham's petition for writ of mandate against the City. The March 27, 2003 judgment is affirmed. Graham is to bear costs of his appeal and the City's appeal. Ford and Silbert are to bear costs of their appeal. Aaron, J.; We Concur: Nares, Acting P.J., Haller, J.

D043901 In re Marriage of Spirit

Order affirmed. Haller, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

D045121 In re Brandy R., et al., Juveniles

The judgment is affirmed. Nares, J.; We Concur: McConnell, P.J., Benke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 25, 2005 (Continued)

D046397 Friend v. Superior Court of San Diego County/People

Let a peremptory writ of mandate issue directing the Superior Court of San Diego County to vacate the sentence imposed in case number SCN191412 on April 13, 2005, and conduct further proceedings to reduce Friend's sentence to 120 days or allow him an opportunity to withdraw his guilty plea. This opinion is made final as to this court immediately on filing (Cal. Rules of Court, rule 24(b)(3)). Haller, J.; We Concur: Benke, Acting P.J., McDonald, J.

D045919 Finance Unlimited LLC v. Superior Court of San Diego County/Mendivil

Let a writ of mandate issue directing the superior court to (1) set aside its order denying Finance Unlimited LLC's Application for Right to Attach Order and Order for Issuance of Writ of Attachment, but not set aside the ruling granting Mendivil's Claim of Exemption, and (2) enter an order granting Finance Unlimited LLC's Application for Right to Attach Order and Order for Issuance of Writ of Attachment. In all other respects, the petition is denied. The parties are to bear their own costs in this writ proceeding. The opinion will be final as to this court immediately. (Cal. Rules of Court, rule 24(b)(3)). Irion, J.; We Concur: McConnell, P.J., Benke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 26, 2005

D045517 People v. Nevares

The judgment is affirmed. Haller, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

D044537 People v. Preciado

The judgment is affirmed. Haller, J.; We Concur: Nares, Acting P.J., McDonald, J.

D044906 In re Steven James S., a Juvenile

The judgment is reversed. O'Rourke, J.; We Concur: McConnell, P.J., Benke, J.

D041814 Dominguez v. Oceanside College Way 1, Inc. et al.

The judgment is affirmed. The defendants are entitled to costs on appeal. McConnell, P.J.; We Concur: Nares, J., McIntyre, J.

D043825 Zampetti et al. v. Taylor

The judgment is affirmed. Defendants' motion for sanctions on appeal is denied. Defendants are entitled to costs on appeal. McDonald, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

D045272 People v. Gaddy

The judgment is affirmed. Irion, J.; We Concur: Haller, Acting P.J., McDonald, J.

D044741 Zampetti et al. v. Taylor et al.

The judgment denying sanctions is affirmed. McDonald, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

D044326 People v. Alfana

The judgment is affirmed. O'Rourke, J.; We Concur: Nares, Acting P.J., Haller, J.

D045160 In re Jurnee V. et al., Juveniles

The judgment terminating Deborah's parental rights is reversed solely in order to determine whether the Indian Child Welfare Act applies to Jurnee and Cortnie. If on remand, after proper notice, no tribe comes forward as is contemplated by the ICWA and the juvenile court therefore concludes the ICWA does not apply, the court shall order reinstatement of the judgment terminating parental rights as to both Jurnee and Cortnie. In all other respects, the judgment is affirmed. Benke, J.; We Concur: McConnell, P.J., Huffman, J.

D043104 Escondido Union School District v. Casa Suenos De Oro, Inc.

The judgment is affirmed. The denial of Casa Suenos's motion for litigation fees is affirmed. Each party shall bear its own costs on appeal. CERTIFIED FOR PUBLICATION. Irion, J.; We Concur: Huffman, Acting P.J., Nares, J.

D046368 In re Conservatorship of Winter

The appeal filed with the Superior Court on April 29, 2005, is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 26, 2005 (Continued)

D046218 Danielle G. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Danielle G. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 38.1 will not be filed as there are no viable issues for writ review. The case is dismissed.

D046488 In re Christopher K., a Juvenile

Roger K.'s notice of appeal from the March 16, 2005 judgment, received on May 18, 2005, is untimely. The case is dismissed.

D046091 Steve M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Steve M. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 38.1 will not be filed as there are no viable issues for writ review. No timely petition has been filed. The notice of intent is deemed to be abandoned. The case is dismissed.

D046344 In re Aphayavong on Habeas Corpus

The petition is denied.

D046185 Vanessa M. et al., v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Vanessa M. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 38.1 will not be filed as there are no viable issues for writ review. The case as to Vanessa M. is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 27, 2005

D044635 People v. Cadena

The judgment is affirmed. O'Rourke, J.; We Concur: Haller, Acting P.J., McDonald, J.

D046295 Belcher v. Superior Court of San Diego County/People

The petition is denied.

D046226 In re Zizumbo on Habeas Corpus

The petition is denied.

D043572 People v. Villa

It is ordered that the opinion filed herein on May 4, 2005, is modified. No change in judgment.

D046472 In re Rhodes on Habeas Corpus

The petition is denied.